

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DARLA KELLY OSBORNE, individually  
and as Independent Administrator of the  
Estate of William Noel Osborne, Deceased,

Plaintiff,

v.

CASE NO.:

TENARIS GLOBAL SERVICES (U.S.A.)  
CORPORATION, TENARIS COILED  
TUBES, LLC, and RELIANCE STANDARD  
LIFE INSURANCE COMPANY,

Defendants.

**NOTICE OF REMOVAL**

Defendant Reliance Standard Life Insurance Company, by and through its attorneys, timely file this Notice of Removal pursuant to 28 U.S.C. § 1331, 29 U.S.C. §1132(e) and 28 U.S.C. §1441(a), (b) and (c) removing the above-captioned action to the United States District Court for the Southern District of Texas from Probate Court No. Two (2) of Harris County, Texas, and avers as follows:

1. Plaintiff filed her Original Petition in state court in Probate Court No. Two of Harris County, Texas on or about August 11, 2017. A true and correct copy of Plaintiff's Original Petition is attached hereto with the certified state court records pursuant to L.R. 81.

2. In the Original Petition, Plaintiff is seeking life insurance benefits under group policies issued by Reliance to Tenaris. *See* Original Petition, para. 7.

3. Reliance issued Group Life Insurance Policy Number GL 143548 to Maverick Tube Corporation, which covered certain affiliates, including Tenaris Global Services, LLC, Tenaris Coiled Tubes LLC. A true and correct copy of the Policy is attached as Exhibit "A."

4. As stated on page 1.0 of the Policy, participants were not required to contribute to the costs of the coverage: “**CONTRIBUTIONS:** Persons: Basic Insurance: 0%.” See Exhibit “A.”

5. Courts have held that portions of an employee benefit plan cannot be severed when deciding if the plan as a whole is governed by ERISA. *Gross v. Sun Life Assur. Co. of Canada*, 734 F.3d 1, 9 (1<sup>st</sup> Cir. 2017); *Postma v. Paul Revere Life Ins. Co.*, 223 F.3d 533, 538 (7th Cir. 2000); *Gaylor v. John Hancock Mut. Life Ins. Co.*, 112 F.3d 460, 463 (10th Cir. 1997).

6. As a result of the foregoing, the claims in this case are governed by the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001, *et seq.*, because the employee welfare plan at issue does not fall within the “safe harbor” provisions of ERISA.

7. A cause of action filed in state court seeking recovery of benefits under an employee welfare benefit plan governed by ERISA is removable to federal court pursuant to 28 U.S.C. § 1441(c) as an action arising under a federal law. See *Metropolitan Life Insurance Company v. Taylor*, 481 U.S. 58 (1987); *Pilot Life Insurance Company v. Dedeaux*, 481 U.S. 41 (1987).

8. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331 and 29 U.S.C. § 1132(e), as a civil action founded upon a claim of right arising under the laws of the United States. Therefore, this action may be removed to this court pursuant to the provisions of 28 U.S.C. § 1441(a), (b) and (c).

9. This Notice of Removal is being filed within thirty (30) days of Defendant becoming aware of the lawsuit and receiving the initial pleading claiming relief as required by 28 U.S.C. § 1446(b), as the Original Petition was served on Defendant Tenaris Global Services

(U.S.A.) Corporation on August 22, 2017. Defendant Tenaris Coiled Tubes, LLC and Reliance Standard were served on August 25, 2017.

10. Attached hereto are certified copies of the state court records in this matter, an index of the state court records, and index of matters filed, and a list of attorneys of record pursuant to L.R. 81.

11. All fees required by law in connection with this notice have been filed by Defendant.

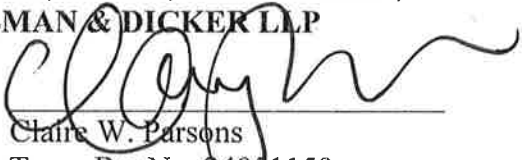
12. Defendants Tenaris Global Services (U.S.A.) Corporation and Tenaris Coiled Tubes, LLC have consented to the removal of this action as reflected in the attached consent from their attorneys. A true and correct copy of The Tenaris Defendants' Consent to Removal is attached hereto as Exhibit "B."

WHEREFORE, Defendant Reliance Standard Life Insurance Company hereby removes the above-captioned action to the United States District Court for the Southern District of Texas from Probate Court No. 2, Harris County, Texas.

Respectfully submitted,

**WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP**

By:



Claire W. Parsons  
Texas Bar No. 24051159  
Federal I.D. No. 637522  
909 Fannin Street, Suite 3300  
Houston, TX 77010  
Telephone: (713) 353-2000  
Facsimile: (713) 785-7780  
claire.parsons@wilsonelser.com

**Attorneys for Defendant Reliance Standard Life  
Insurance Company**

**CERTIFICATE OF SERVICE**

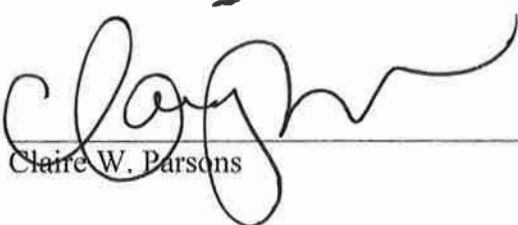
The undersigned counsel hereby certifies that the foregoing instrument was served on all parties via E-file in accordance with the Federal Rules of Civil Procedure on this 14th day of September, 2017:

Denyse Renee Ward  
LAW OFFICE OF D.R. WARD, PLLC  
denyseward@drwardlaw.com  
Karen Alvarado  
BROTHERS ALVARADO, PC  
kalvarado@brothers-law.com  
Two Memorial City Plaza  
820 Gessner, Suite 1075  
Houston, Texas 77024  
(713) 337-0750  
(713) 337-0760 fax

***Attorneys for Darla Osborne, Individually and  
as Independent Administrator of the Estate of  
William Noel Osborne***

Charles F. Seemann III  
JACKSON LEWIS P.C.  
650 Poydras Street, Suite 1900  
New Orleans, Louisiana 70130  
(504) 208-1755  
Charles.Seemann@jacksonlewis.com

***Attorneys for Defendants Tenaris Global  
Services (U.S.A.) Corporation and Tenaris  
Coiled Tubes, LLC***



Claire W. Parsons